

BURKHART, PICARD, TIDERINGTON, & McLEOD, P.L.L.C.  
ATTORNEYS AT LAW

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THOMAS D. BURKHART  
CHRISTOPHER A. PICARD

JAMES TIDERINGTON  
TIMOTHY R. McLEOD

October 2, 2013

Thomas J. Demetriou  
Attorney at Law  
3262 Cabaret Trail, Suite 206  
Saginaw, Michigan 48603

Re: Melissa Jayne Calice vs. Richard Anthony Calice, Jr.

Dear Mr. Demetriou:

As a follow-up regarding the above, please forward over the releases you would like to use for the information we have agreed would be sent directly to Judge Borchard. Please specify in your release form that the information is to be sent directly to him under seal.

In speaking with Melissa, I am advised that Dr. Blais (I think you already have a copy of this person's report) was seen by Tony and herself from October, 2011 through January, 2012 in Dr. Blais's capacity as a marriage counselor.

In view of William Brisbois's discussion regarding the sanctions associated with attempting to introduce records from the marriage counselor, I think we need to proceed cautiously here. If you do have a copy of this person's report, would you forward one to me?

I don't think anybody, at least Melissa, has Tony's current residence address. Could you provide this?

I am advised that at the time Tony relocated, he would have received a return of security deposits (\$1,950.00 security deposit and \$3,000.00 pet deposit). Please confirm with your client that he is preserving these proceeds being a marital asset for division purposes.

Thank You.

Yours Very Truly,

BURKHART, PICARD,  
TIDERINGTON, & McLEOD, PLLC



TIMOTHY R. McLEOD

TRM:jab  
Enclosures  
CC: Melissa J. Calice

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW  
FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

File No. 12-017215-DM-1

vs.

HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,  
TIDERTINGTON, & McLEOD, PLLC  
BY: TIMOTHY R. McLEOD (P29880)  
THOMAS D. BURKHART (P25509)  
Attorneys for Plaintiff  
820 N. Michigan Avenue, P.O. Box 6055  
Saginaw, Michigan 48608  
(989) 753-4441

THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant  
4805 Towne Centre Road, Suite 101  
Saginaw, Michigan 48604  
(989) 793-6440

ORDER FOLLOWING HEARINGS HELD ON SEPTEMBER 30<sup>TH</sup>, 2013

AT A SESSION OF SAID COURT HELD IN THE  
COURTHOUSE IN THE CITY OF SAGINAW, COUNTY OF  
SAGINAW, AND STATE OF MICHIGAN, ON THE 1st  
DAY OF Oct, 2013, A.D.

PRESENT: HON. FRED L. BORCHARD, CIRCUIT JUDGE

The matter is before the Court on pending motions filed by the parties including Plaintiff's motions requesting the Court determine that Defendant, Richard Anthony Calice, Jr. be held in contempt of Court for non-payment of support and failure to return certain personal property along with failure to pay the mortgage on certain Royal Oak real estate; and Defendant's motions regarding in-camera review of proposed evidence and a request for Parenting Time.

A TRUE COPY  
Susan Kaltenbach, Clerk

BURKHART, PICARD, TIDERTINGTON, & McLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608

Present were William A. Brisbois, court appointed Special Master, Timothy R. McLeod, attorney for Plaintiff, Melissa Jayne Calice, Thomas J. Demetriou, attorney for Richard Anthony Calice, Jr., Marilyn Meyer, Saginaw County Friend of the Court Representative and Korina Nicastro, Saginaw County Friend of the Court Representative.

William A. Brisbois, court appointed Special Master, presented the Court with updated information pertaining to Child Support and Spousal Support calculations earlier computed and made an order this Court. Specifically, Special Master Brisbois has amended his findings to establish Child Support for the period September 1<sup>st</sup>, 2012 through December 31<sup>st</sup>, 2012 as being \$2,741.00; establishing Child Support for the period January 1<sup>st</sup>, 2013 until further order of the Court as being \$1,699.00; Spousal Support for the period September 1<sup>st</sup>, 2012 through December 31<sup>st</sup>, 2012 in the amount of \$2,453.00 per month and Spousal Support for the period January 1<sup>st</sup>, 2013 until further order of this Court at \$637.00 per month.

The Court having considered further information and argument,

NOW THEREFORE:

IT IS HEREBY ORDERED AND ADJUDGED that this Court's prior order entered the 8<sup>th</sup> day of August, 2013 is hereby amended to establish Child Support for the period September 1<sup>st</sup>, 2012 through December 31<sup>st</sup>, 2012 as being \$2,741.00 per month; that Child Support for the period January 1<sup>st</sup>, 2013 until further of the Court is \$1,699.00 per month; that Spousal Support for the period September 1<sup>st</sup>, 2012 through December 31<sup>st</sup>, 2012 be \$2,453.00 per month and Spousal Support for the period January 1<sup>st</sup>, 2013 until further of the Court be \$637.00 per month.

IT IS FURTHER ORDERED AND ADJUDGED that incorporating these revised Child Support amounts, the Saginaw County Friend of the Court shall determine the Child Support arrearages through September 30<sup>th</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. is determined to be in contempt of Court for non-payment of Child Support accruing through September 30<sup>th</sup>, 2013 in the amount of \$1,004.50 (an additional amount of \$1,699.00 accrues as of October 2<sup>nd</sup>, 2013).

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. is determined to be in contempt of Court for non-payment of Spousal Support in an amount totaling \$9,812.00 for calendar year 2012 and the amount of \$6,370.00 for the period January 1<sup>st</sup>, 2013 through and including October 1<sup>st</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. may purge these findings of contempt by paying in full the past due Child Support and Spousal Support arrearages on or before October 8<sup>th</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. is determined to be in contempt of Court for failure to return certain personal property as identified in the Report of Special Master dated July 9<sup>th</sup>, 2013 and its further identified in Plaintiff's motion dated September 13<sup>th</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. may purge this finding of contempt by causing all personal property specified on the referenced list be returned to Plaintiff Melissa Jayne Calice on or before October 22<sup>nd</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. is determined to be in contempt of Court by allowing a certain mortgage the parties have executed on real estate located in Royal Oak, Michigan to enter default. Specifically, Defendant, Richard Anthony Calice, Jr. has failed to pay the mortgage amounts for June, July, August and September despite receipt by him of the monthly net tenant rentals.

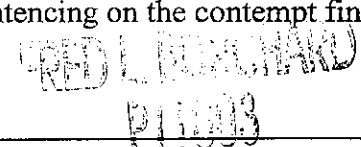
IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. may purge this finding of contempt by taking steps to pay all past due amounts so as to reinstate the mortgage prior to October 22<sup>nd</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that any net tenant rentals associated with the property located at 620 Catalpa, Royal Oak, Michigan, effective with the October, 2013 rentals be paid to Plaintiff's attorney for deposit into his trust account. This directive shall be applicable to Defendant, Richard Anthony Calice, Jr. and his agents and representatives.

IT IS FURTHER ORDERED AND ADJUDGED that certain proposed evidentiary material that Defendant references in his motion pertaining to privilege be provided to this Court for an in-camera review and determination regarding the applicability and extent of any privilege. Plaintiff shall take immediate steps to provide Defendant with the appropriate release, said releases shall direct the material be forwarded directly to the Court under seal.

IT IS FURTHER ORDERED AND ADJUDGED that the parties shall attempt to resolve any Parenting Time issues pending hearings in this matter.

IT IS FURTHER ORDERED AND ADJUDGED that in the event Defendant, Richard Anthony Calice, Jr. fails to purge as provided herein any of the contempt findings by the applicable date then he shall appear before this Court for sentencing on the contempt findings.

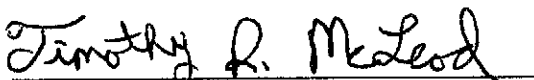
  
FRED L. BORCHARD  
Circuit Judge

Countersigned:



Deputy Clerk

APPROVED AS TO FORM AND CONTENT BY:

  
TIMOTHY R. McLEOD (P29880)  
Attorney for Plaintiff

SEE ATTACHED.  
THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. may purge this finding of contempt by causing all personal property specified on the referenced list be returned to Plaintiff Melissa Jayne Calice on or before October 22<sup>nd</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. is determined to be in contempt of Court by allowing a certain mortgage the parties have executed on real estate located in Royal Oak, Michigan to enter default. Specifically, Defendant, Richard Anthony Calice, Jr. has failed to pay the mortgage amounts for June, July, August and September despite receipt by him of the monthly net tenant rentals.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant, Richard Anthony Calice, Jr. may purge this finding of contempt by taking steps to pay all past due amounts so as to reinstate the mortgage prior to October 22<sup>nd</sup>, 2013.

IT IS FURTHER ORDERED AND ADJUDGED that any net tenant rentals associated with the property located at 620 Catalpa, Royal Oak, Michigan, effective with the October, 2013 rentals be paid to Plaintiff's attorney for deposit into his trust account. This directive shall be applicable to Defendant, Richard Anthony Calice, Jr. and his agents and representatives.

IT IS FURTHER ORDERED AND ADJUDGED that certain proposed evidentiary material that Defendant references in his motion pertaining to privilege be provided to this Court for an in-camera review and determination regarding the applicability and extent of any privilege. Plaintiff shall take immediate steps to provide Defendant with the appropriate release, said releases shall direct the material be forwarded directly to the Court under seal.

IT IS FURTHER ORDERED AND ADJUDGED that the parties shall attempt to resolve any Parenting Time issues pending hearings in this matter.

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FRED L. BORCHARD  
Circuit Judge

Countersigned:

Deputy Clerk

APPROVED AS TO FORM AND CONTENT BY ONLY

TIMOTHY R. MCLEOD (P29880)  
Attorney for Plaintiff

Thomas J. Demetriou  
THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant

BURKHART, PICARD, TIDENINGTON & MCLEOD P.L.L.C., 823 NEW 10 MICHIGAN AVENUE, P.O. BOX 2023, SAGINAW, MICHIGAN 48604

Prepared By:

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**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW  
FAMILY DIVISION**

MELISSA JAYNE CALICE,

Plaintiff,

vs.

File No. 12-017215-DM-1  
HON. FRED L. BORCHARD

RICHARD ANTHONY CALICE, JR.,

Defendant.

BURKHART, PICARD,  
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(989) 753-4441

THOMAS J. DEMETRIOU (P12663)  
Attorney for Defendant  
3262 Cabaret Trail, Suite 206  
Saginaw, Michigan 48603  
(989) 793-6440


**PROOF OF SERVICE**

STATE OF MICHIGAN)  
COUNTY OF SAGINAW) ss.

MARISSA L. DESROSIERS, being duly sworn, deposes and says that she is an employee of TIMOTHY R. McLEOD and that on the 2<sup>nd</sup> day of October, 2013, she filed the original Proof of Service with the Saginaw County Circuit Court Clerk with a copy of said document and Order Following Hearings Held On September 30<sup>th</sup>, 2013 to Thomas J. Demetriou, Attorney at Law, 3262 Cabaret Trail, Suite 206, Saginaw, Michigan 48603 and William A. Brisbois, Attorney at Law, 1107 Gratiot Avenue, Saginaw, Michigan 48602 by enclosing same in sealed envelopes, postage prepaid, directed to the address as set forth herein depositing same in the U.S. Mail at Saginaw, Michigan and upon Saginaw County Friend of the Court, 111 S. Michigan Avenue, Saginaw, Michigan 48602.

  
MARISSA L. DESROSIERS

Subscribed and sworn to before me, a Notary Public, on the 2<sup>nd</sup> day of October, 2013.

  
JILL A. BENDER, Notary Public  
Saginaw County, Michigan  
My Commission expires: 09-02-2013

BURKHART, PICARD, TIDERINGTON, & McLEOD, P.L.L.C., 820 NORTH MICHIGAN AVENUE, P.O. BOX 6055, SAGINAW, MICHIGAN 48608